



UNSWORN DECLARATION

SUBJECT: Discrimination Complaint of Yemisi Akinyemi and Michael Chertoff, Secretary, U.S. Department of Homeland Security, Case Number HS-06-CBP-000306-040105.

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

In accordance with the following provisions of 28 U.S.C. 1746, I, Joseph Martella, the undersigned, do hereby make the following unsworn declaration, under penalty of perjury, pertinent to the above stated complaint:

1. Question: What is your position title, grade, and organizational units at Newark?

Answer:

Position title: CBP Officer

Grade: GS-11

Organizational Unit: Advanced Targeting Unit

2. Question: What is your national origin, race and skin color? (optional question)

Answer:

Origin: American

Race: Caucasian

Skin Color: White

3. Question: How long have you worked for CBP?

Answer:

Approximately 4 years and 6 months

4. Question: Who are your first and second-level supervisors, and where do you actually work for CBP?

Answer:

Supervisor: Salvatore Forgione

Deputy Chief Officer: Peter Pessutti

Work Assignment: Advanced Targeting Unit

5. Question: How do you know Yemisi Akinyemi, and are you aware of her national origin?

Answer:

I know Yemisi Akinyemi via my union representational activities.

6. Question: Ms. Akinyemi states you accompanied her to two meetings with CBP Supervisors and Mr. Fox prior to her termination. She says she was not informed about why she was being questioned, or provided with a statement of her rights until you called a union lawyer. Is that accurate?

Answer: Yes

7. Question: At what point in the investigation should Ms. Akinyemi have been advised of possible charges against her, and been provided with a statement of her rights, to your knowledge?

Answer: At the beginning of the investigatory interview being conducted by management.

8. Question: What is your understanding of CBP rules or regulations or union agreements regarding access to restricted areas at the Newark airport for CBP officers?

Answer:

To the best of my knowledge, there aren't any Union agreements, CBP rules or regulations concerning this issue.

9. Question: Are the passenger gates and other public areas beyond the TSA Screeners at the airport considered to be restricted areas, or can any CBP Officer

access them with a Port Authority ID whether they are on duty or off duty?

Answer:

To the best of my knowledge any area not normally accessed by the general public is considered a restricted area. CBP Officers do have access to this area, in uniform, with a port authority ID in place.

10. Question: To your knowledge, do CBP Officers who are not on duty at the airport ever go through security there in order to use the restaurants or shops in the passenger waiting areas, and if so, can you provide specifics of this use?

Answer:

To the best of my knowledge officers access the restaurant areas before and after their tours, as well as during break times. During these times officers are considered to be in an off duty status.

11. Question: To your knowledge, does the CBP Table of Disciplinary Penalties apply to probationary CBP Officers?

Answer:

To the best of my knowledge the CBP Table of offenses and penalties apply to all CBP officers.

12. Question: Do you have any reason to believe that Ms. Akinyemi was terminated from her position based on her national origin, race or skin color?

Answer:

Based on my experience, other probationary employees, who have committed more egregious acts, have not been terminated.

13. Question: Do you have anything you want to add?

Answer:

No.

I declare under penalty that the foregoing is true and correct.

Executed on March 13, 2006 _____ at Newark, New Jersey.
(Date) (City/State)

Signature: _____

Name (Please print): Joseph Martella

Title: CBP Officer / Chief Steward NTEU Chapter 161

Address: 1210 Corbin Street _____

Elizabeth, NJ 07201 _____

Page 4 of 4 pages

Initials JM